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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,623	12/03/2001	Craig Burfeind	1081.001US2	1581

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

TAYLOR, VICTOR J

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,623

Applicant(s)

BURFEIND ET AL. 

Examiner

Victor Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-53 and 55-66 is/are pending in the application.
- 4a) Of the above claim(s) 1-17, 54 and 67-69 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-50 is/are allowed.
- 6) ☒ Claim(s) 51-53 and 55-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Final*.

DETAILED ACTION

Allowable Subject Matter

1. Claims 18-50 are allowed. Claims 1-17, 54, and 67-69 were cancelled.
2. The following is an examiner's statement of reasons for allowance:

The arguments and amendments of record in paper 6 on December 20, 2002 including the terminal disclaimer filed February 4, 2003 to U. S. 6,360,172 concerning claims 18 to 50 convinces the examiner that the claimed limitations are allowable over the cited art of record.

It is these amended limitations expressed in each of the claims and not found, taught, or suggested in the prior art of record that makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed December 20, 2002 in paper 6 have been fully considered but they are not fully persuasive.

The applicant amends the claims and files the terminal Disclaimer in view U. S. Patent 6,369,172, and thereby moots the Double Patent issue and 112-second issues.

The applicant amends the claims and cancels claims 1-17, 54, and 67-69 without prejudice. The arguments and amendments in the claims convince the examiner that claims 18-50 are allowable.

The arguments for claims 51-53, and 55-66 concerning the limitation of "generating a personalized natural phenomena text string" fail to convince the examiner over the prior art. The applicant further argues the term "personalized Natural-Phenomenological information" may include other events beside meteorological events, including hydrological, seismological, geological and cosmological events.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 51-52, 55-66 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Zereski Jr. et al., in US 5,654,886.

With regard to claim 51, Zereski Jr. et al., discloses a method of generating a personified multimedia metrological forecast 20 in figure 1, in reference to a plurality of data bases see NWS data 10, and Meteorologist's forecast 14 in figure 1, and to a plurality of locations 124 and times 144 and dates in figure 8.

Zereski Jr. et al., further discloses the distribution of the weather and multimedia information through the Internet 22 in figure 1.

As to claim 52 Zereski Jr. et al., further discloses the limitation of the natural meteorological forecast 14 includes a plurality of data base of information in elements 10, 12, 14 and 16 of figure 1 and comprises a meteorological fore case 130 in figure 6.

With regard to claim 55, Zereski Jr. et al., discloses receiving gridded data from the NWS gridded data base 10 in figure 1 and generating a meteorological text string 68 from the gridded data 62 in figure 3, from the personal preference user in line 42 of column 2.

As to claim 56 Zereski Jr. et al., further discloses the limitation receiving the gridded data from the gridded data from the NWS data 10 in figure 1 and storing the gridded data in the DB manager 98 in figure 4.

As to claim 57 Zereski Jr. et al., further discloses the limitation encoding 50 the meteorological text string according to the capabilities of an output device 52 in figure 2

As to claim 58 Zereski Jr. et al., further discloses the limitation of transmitting 20 the encoded meteorological text string to the output device 22 in figure 1.

With regard to claim 59, Zereski Jr. et al., discloses receiving gridded data from the gridded NWS data base 10 in figure 1 and discloses generating the personal user selected metrological text string 68 from the gridded NWS data 10 from the personal user in formation data in line 40-47 of column 2.

As to claim 60 Zereski Jr. et al., further discloses the limitation receiving NWS gridded data 10 in figure 1, and storing the NWS gridded data 10 in gridded asset database 44 in figure 2.

As to claim 61 Zereski Jr. et al., further discloses the limitation encoding the personalized metrological data and text string 70 in figure 3 in the presentation database 50 according to the capabilities of the output device (computer and the enclosed modem) 52 in figure 2.

As to claim 62 Zereski Jr. et al., further discloses the limitation a text string 68 and transmitting 46 to the presentation database 50 and on to the output device computer 52 in figure 2.

With regard to claim 63, Zereski Jr. et al., discloses a gridded data base object the NWS data 10 in figure 1 and a personal weather text generator 20 coupled to the gridded data 10 to receive personal data 22 and to generate 20 a personal meteorological text string 120 in figure 6 from the gridded NWS data 10 in figure 2 by the user in line 42 of column 2.

As to claim 64 Zereski Jr. et al., further discloses the limitation an encoder both in the presentation database 50 and in the computer 52 of figure 2.

With regard to claim 65, Zereski Jr. et al., discloses the NWS gridded data base object 10 as the NWS data 10 in figure 1 and disclose the means to generate a personalized natural-phenomenological (The weather report in figure 9), text string from the gridded data 10 and from the user request processed in the presentation generator 20 in figure 1.

As to claim 66 Zereski Jr. et al., further discloses the limitation of the means to encode the personalized natural phenomenological information (the multimedia

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meteorological request and information) in the presentation generator 50 and in the computer 52 of figure 2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negated by the manner in which the invention was made.

7. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zereski Jr. et al., as being clearly anticipated in US 5,645,886 in view of the publication GRIB (Office Note 388) by the NWS on The WMO Format for Gridded Binary Form as used by the NCEP central operations dated 10 March 1998.

With regard to claim 53, Zereski Jr. et al., discloses the limitation of instantiating a computer gridded database from the NWS data 10 by the presentation generator 20 on the Internet 22 in figure 1. Zereski Jr. et al., further discloses the limitation of receiving the NWS gridded database object 10 in the gridded data form from a source, and teaches in the collections of data, the plurality of data from a plurality of data sources in line 21 of column 3. He further teaches the gridded data from the NWS data 10 in images 12, and the gridded data as radar maps and cloud images in lines 25-30 of column 3. He further teaches using the gridded data in the standard gridded data form as used by the NWS 10 in figure 1. Zereski Jr. et al., further teaches the use of a wide variety of national weather service data bases including the gridded data in lines 34-45

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of column 4. And he further teaches the use of bit maps with gridding in the asset assembler 80 for use on the computer system as found in lines 60-67 of column 6. Although he teaches the use gridded data from the NWS data bank as displayed in figure 6, he does not specify the gridded binary format that is standard in the received NWS data bank.

The publication Office Note 388, including the gridded binary form for the storage of weather data by the NWS dated 10 march 1998 teaches the gridded coding and teaches the grid point data and bit-map techniques that are suitable for data usage on the computer system as found in lines 60-67 of column 6 in Zereski et al. The publication does not teach the multimedia weather computer information system, but teaches a compatible data method of NWS computer data bank storage useful and easily integrated into the computer gridding system for data storage as found and commonly used by the NWD computer data as used by Zereski et al.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to include the invention A of the Gridding code system of the NWS into the invention B of Zereski Jr. et al., in order to facilitate the use of the NWS data 10 as found in figure 1 of invention B and to increase and improve the multimedia data bank coverage and reduce the over all system computing cost.

THIS ACTION IS MADE FINAL.

8. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Taylor whose telephone number is 703-305-4470. The examiner can normally be reached on 8:00 to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 703-305-4816. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist telephone number is 703-306-3431.

Examiner V Taylor


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17 March 2003


EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800